

clear that in the last analysis the interested student should be encouraged to undertake individual inquiries into selected aspects of the allied social science material so that the structure of American industry may be better understood in dealing with the strictly legal aspects of the cases."<sup>43</sup> Knowledge of sources on industry data and facility in using them has become almost indispensable for lawyers in the field of trade regulation. Preparation of an antitrust brief, for example, often involves summarizing and analyzing the salient characteristics of an industry in terms of its products and their uses, the relative concentration of its productive facilities (financially, technologically, and geographically), and the principal factors in its structure, organization, and trade practices which may explain its "competitive" or "noncompetitive" character (e.g., technology, patents, marketing arrangements, relationship to principal raw material sources). Recognizing the lawyer's special need for knowledge of the basic facts of our industrial order, the 1948 Committee on Auxiliary Business and Social Materials of the Association of American Law Schools organized an editorial group to assemble such materials for use in courses on trade regulation.<sup>44</sup> After preliminary investigation disclosed a "surprising dearth" of suitable information, the Trade Regulation Editorial Group sponsored a series of industry studies which it is hoped will in part meet the need for economic data for use in connection with classroom discussion of the cases. A book such as the *Structure of American Industry* might well meet this need by doing a more thorough job on a smaller number of industries and devoting more attention to economic analysis. Professor Adams' "kaleidoscopic view of American business enterprise" however superior it may be to other collected industry studies still requires considerable supplementation.

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SECURITY, LOYALTY & SCIENCE. By Walter Gellhorn. Ithaca: The Cornell University Press, 1950. Pp. x, 300. \$3.00.

Professor Gellhorn's volume is the first in a series dealing with civil liberties and security, to be published under the auspices of a group headed by Professor Cushman of Cornell. Subsequent volumes will include one on the House Committee on Un-American Activities and one devoted to the President's Loyalty Program.

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43. OPPENHEIM, CASES ON FEDERAL ANTI-TRUST LAWS 82 (1948). This method been followed since 1946 at the University of Chicago by Dean Levi in his classes in the Law of Competition and Monopoly. Each student is required to make a study of some industry or segment of an industry involved in an effort to explain industry behavior and evaluate the effects of judicial solutions of what are essentially economic problems.

44. HANDBOOK, ASSOCIATION OF AMERICAN LAW SCHOOLS 1370138 (1949).

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The present volume deals with the position of the scientists, particularly the scientists working in sensitive agencies. Much of the discussion relates to the scientists working under the auspices of the Atomic Energy Commission, and the effect on them of the two related sets of regulations designed to keep large portions of their work secret and to insure loyalty to the United States. Professor Gellhorn's experience both as teacher and as administrator qualifies him admirably to make this study. The work itself is excellent.

Part of the book, though not concentrated at one point for presentation, consists of detailed description of measures taken to insure secrecy and loyalty. The power of administrators, including military men, to determine classifications of restricted, confidential, secret, and top secret materials is described. The difficulties of declassification are noted. The varying but similar procedures for determining the loyalty of scientists under the President's Loyalty Order and the regulations of the Atomic Energy Commission and the military services are analyzed and explained. Particular attention is given at one point to the position of scientists working in industry on manufacture for the military services, and the procedure for determining their loyalty employed by the Industrial Employment Review Board. The tendency for security requirements to spread is considered. Attention is drawn particularly to the tendency of colleges and universities to be concerned with the loyalty of scientists whom they employ, in the interest of hoped-for federal funds.

Besides description, Mr. Gellhorn engages in appraisal of the secrecy and loyalty programs. He calls attention to the small number of dismissals for disloyalty, and to the fact that none of the cases of spying which have attracted attention were disclosed by loyalty proceedings. He quotes Chairman Richardson's statement of April 5, 1950, that "not one single case of espionage" had been found as a result of the President's Loyalty Program. His criticism of the program, which is severe, is based partly on considerations of elementary justice and procedure, partly on waste of energy, but principally, so it seems, on the bad effect of the program on the recruitment and morale of scientists.

Somewhat similarly, his criticism of regulations with respect to secrecy is based largely on their ill effect on military preparedness. Mr. Gellhorn points out effectively the evil consequences for science of interferences with communication between scientists, whose ideas so often prove useful in quite unpredictable ways and combinations of ways. He points out the ill effects of unnecessary secrecy in depriving scientists of the incentive which depends on communication and publication. Recognizing the need for secrecy at many points, Mr. Gellhorn insists that classification is greatly over-done and declassification far too difficult. He suggests that a line be drawn between general principles and specific military applications, and that secrecy requirements for the most part be confined to the latter.

Mr. Gellhorn's emphasis on preparedness and military efficiency is a sound

one, consonant with the interests of the times. He does not forget the importance of liberty and fair procedures in our way of life. Nevertheless, the reviewer may be pardoned for suggesting that there might be somewhat greater insistence on the simple value of justice to scientists working for government. There is such a thing as a government's loyalty to its employes. Shocking procedure and shocking tests for clearance may open the way to a world in which the mazes of Franz Kafka's *The Trial* will become familiar phenomena. This, I take it, would be one of the things meant by fascism, and would to that extent be a degree of defeat in the current struggle for mutual respect and liberty.

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